

**MINUTES OF THE MEETING
OF THE
BOARD OF PHYSICAL THERAPY**

November 14, 2005

CALL TO ORDER

Wayne Stuberger, Chairperson, called the meeting of the Board of Physical Therapy to order at 9:15 a.m., November 14, 2005, in Conference Room Lower Level D, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

Roll Call

The following Board members, HHSS staff and visitor were present at the meeting:

Wayne Stuberger, Chairperson
Karen Brown, Vice-Chair (Entered at 9:08 a.m.)
Susan Jeffrey, Secretary
Raymond Frew, Lay Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator
Brad Shaff, Assistant Attorney General

Adoption of the Agenda

Stuberger moved, seconded by Brown, to adopt the agenda after moving approval of minutes for discussion and a vote after the lunch break. Voting Aye: Stuberger, Brown, Jeffrey and Frew. Voting Nay: none. Not voting: None. Motion carried.

ADOPT TOEFL SCORES

Hansmeyer stated that the Federation had a session on the TOEFL scoring process at the annual meeting, also the Education Testing Services conducted a standard setting workshop for the health care professionals, which took place in Chicago, IL on May 18 & 19, 2005. The Federation sent three participants and one observer to the workshop and at this meeting a standard setting process for the scores on the new TOEFL examination was made. The new TOEFL examination will be Internet based.

Brown moved, seconded by Jeffrey, to adopt the following TOEFL scores: Written 24, speaking 26, reading comprehension 18, listening 21, and the total score of 89. Voting Aye: Brown, Jeffrey, Frew and Stuberger. Voting Nay: none. Not voting: None. Motion carried.

SCOPE OF PRACTICE

Use of Vasopneumatic Compression for Swelling

Brown moved, seconded by Jeffrey, to add approval of vasopneumatic compression devices to the list of PTA functions, provided there is predetermined protocol as determined by a physical therapist. Voting Aye: Jeffrey, Frew, Stuberg and Brown. Voting Nay: None. Not voting: None. Motion carried.

Can PT's adjust oxygen from 2 to 3 liters?

The Board received an email from June Pumphrey with questions about physical therapists adjusting oxygen levels from 2 to 3 liters during exercise and the patient's oxygen drops below 85%. Hansmeyer stated that the Respiratory Care Board had a discussion about this issue because they feel that oxygen is a drug and administration is not within the scope of practice of physical therapist, not that they were trying to make a decision on the duties of a physical therapists, but they think a certain amount of training is required in order to be able to administer oxygen.

Stuberg stated that if a physician has established perimeters that can be followed he would not have problems with PT's adjusting oxygen levels.

Stuberg moved, seconded by Brown, that it is not within the scope of practice for physical therapists to independently evaluate and change oxygen dosage when working with a patient. However, the therapists can within the guidelines that are provided by a physician change the oxygen dosage during an exercise event. Voting aye: Brown, Jeffrey, Frew and Stuberg. Voting nay: None. Absent and not voting: None. Motion carried.

Can PT's stock common supplements for their patients?

Kathy McLaughlin wrote to the Board seeking clarification on physical therapists stocking and dispensing common supplements to patients. After a discussion, the consensus of the Board is that this practice is not within their scope of practice. Frew moved, seconded by Stuberg, that stocking and dispensing common supplements and homeopathy remedies is not within the physical therapy scope of practice. Voting nay: Jeffrey, Frew, Brown and Stuberg. Voting nay: None. Absent and not voting: None. Motion carried.

Plaque to Karen Brown

Hansmeyer presented a plaque from the State of Nebraska to Karen Brown in appreciation for her years of service to the State.

HIPPOTHERAPY

Stuberg stated that hippotherapy is therapeutic horseback riding and he does not see why a PTA could not perform it. Brown moved, seconded by Stuberg, that PTA's be allowed to participate in hippotherapy and that it be included within the parameters of duties for a physical therapy assistant. Voting aye: Frew, Jeffrey, Stuberg and Brown. Voting nay: None. Absent and not voting: None. Motion carried.

ADOPT FEDERATION EXAMINATION EVALUATION

This was put on the agenda by mistake.

OLD BUSINESS

Can CLEP examination be used?

Frew did research on the CLEP examination and reported that he contacted UNL and the Registration Records Transcript Department and they recognized the CLEP and a notation is made on the transcript that it is a CLEP score. Individuals can get 3 to 12 credits per CLEP examination. The scores range is between 20 to 80 and the University accepts a 50, which is a C. Frew only checked with one educational institution.

Hansmeyer stated that the Board would accept a C or above for foreign trained individuals.

Stuberg called attention to section 137-003.02 on page 5 of the regulations and stated that the Board would need to add a sub section D, which would read that physical therapy licensees could obtain their general education hours through the College Level Examination Program (CLEP), as long as the institution recognizes it as passing Nebraska would also.

Diane will add this requirement to future regulation revisions.

Stuberg moved, seconded by Brown, to accept the College Level Examination Program (CLEP) for foreign-trained physical therapist in order to meet the requirement for general education hours. Voting aye: Frew, Jeffrey, Stuberg and Brown. Voting nay: None. Absent and not voting. None. Motion carried.

Conviction Guidelines Discussion

Hansmeyer asked Irene to keep track of common convictions and Irene noticed that open container and criminal trespassing offenses came in often. Stuberg asked if someone's application came in with three offenses what would happen to him or her? Hansmeyer answer was that this application would automatically be referred to the board.

Conviction Guidelines Motion

Stuberg moved, seconded by Jeffrey, that the conviction guidelines for the Board of Physical Therapy be amended to approve open container and trespassing as misdemeanor offenses that would allow the board to recommend issuance of an un-restrictive license without terms and conditions. The guidelines would reflect that if there were multiple offenses the case would be sent to the Board for determination of action. Voting aye: Stuberg, Frew, Brown and Jeffrey. Voting nay: None. Not voting: None. Motion carried.

Motion to Change Guidelines

Stuberg moved, seconded by Jeffrey, to approve the conviction guidelines with the following changes:

- Under Guidelines delete the reference to felony conviction and add after misdemeanor convictions **“and the type of misdemeanor convictions.”**
- Under Type of Conviction change the column header to **“Type of Misdemeanor Convictions.”**

- In the Board Recommends' column, add to the statement - Refer applicant to LAP for evaluation **prior to submission to the board for determination of terms and conditions.** This language is to be added everywhere refer applicant to LAP for evaluation appears.
- Add **“Any felony conviction will be referred to the board for action and if there is more than one misdemeanor offense, the application will be referred to the board for determination and action.”**

Voting aye: Frew, Brown, Jeffrey and Stuberg. Voting nay: None. Not voting: None.
Motion carried.

Shaff left the meeting at 10:25 a.m.

NEW BUSINESS

Licensure Reinstatement

Closed Session

Brown moved, seconded by Stuberg, to move into closed session at 10:30 a.m. for licensure reinstatement and to protect the reputation of individuals. Voting aye: Brown, Jeffrey, Stuberg and Frew. Voting nay: None. Not voting: None. Motion carried.

Out of Closed Session

Brown moved, seconded by Stuberg, to come out of closed session at 10:33 a.m. Voting aye: Jeffrey, Stuberg, Frew and Brown. Voting nay: None. Not voting: None. Motion carried.

Jeffrey moved, seconded by Stuberg, to approve licensure reinstatement for Lloyd Lynn Benson. Voting aye: Jeffrey, Stuberg, Frew and Brown. Voting nay: None. Not voting: None. Motion carried.

Re-affirmation of Mail Ballots

Brown moved, seconded by Stuberg, to re-affirm the mail ballots for reinstatement of PTA licenses for Kelly Jo Stoll and Gina Lynn Kilmurry. Voting aye: Stuberg, Frew, Brown and Jeffrey. Voting nay: None. Not voting: None. Motion carried.

Renewal Update (Attachment A)

The Board was given an abbreviated version of the licensure renewal report since the expiration date was November 1st and the renewals are still coming in. A complete report will be available at the next board meeting.

Lap Report

Hansmeyer gave the Board a quarterly Licensee Assistant Program report on statistics gathered by the program administrator. This report was for informational purposes only.

MISCELLANEOUS

The next Board meeting will be held on February 13, 2006 at 9:00 a.m. in Lincoln, Nebraska.

MIPS

Stuberg moved, seconded by Brown, to rescind the motion to send a letter addressing the MIPS problem to the Department of Education, the Department of Health and Human Services, and physical therapy licensees. This action is taken because a letter addressing the issue was sent to all interested parties. Voting aye: Frew, Jeffrey, Brown and Stuberg. Voting nay: None. Not voting: None. Motion carried.

Approval of Minutes

Jeffrey moved, seconded by Brown, to approve the minutes for August 15, September 6, 15, and 28, 2005 board meeting and conference calls. Voting aye: Jeffrey, Brown, Stuberg and Frew. Voting nay: None. Not voting: None. Motion carried.

The Minutes for the October 27, 2005 videoconference will be carried over until the next board meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned 11:45 a.m.

Respectfully submitted,

Susan Jeffrey, Secretary